

[Dkt. No. 4]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

IN RE: VALSARTAN N-
NITROSODIMETHYLAMINE (NDMA)
CONTAMINATION PRODUCTS
LIABILITY LITIGATION

MDL No. 2875

Case No. 1:19-md-02875-RBK-KMW

This document relates to:

LEDA KAY MCMURRAY,

Plaintiff,

v.

Case No. 1:20-cv-07174-RBK-KMW

HETERO DRUGS, LTD., *et al.*,

Defendants.

ORDER

THIS MATTER having come before the Court on the Motion of Robert McMurray by and through Counsel for Plaintiff Leda Kay McMurray ("Counsel") [Dkt. No. 4] seeking (i) to substitute Robert McMurray, as surviving spouse of Plaintiff Leda Kay McMurray, as Plaintiff in this matter in place of Plaintiff Leda Kay McMurray pursuant to Federal Rule of Civil Procedure 25(a) and (ii) leave to file a Second Amended Short Form Complaint; and there being no opposition to the Motion; and the Court having considered the submissions; and

THE COURT NOTING that in support of the Motion, Counsel presents evidence that Plaintiff Leda Kay McMurray died on October 14, 2020 and;

THE COURT NOTING that Robert McMurray is the surviving spouse of Plaintiff Leda Kay McMurray; and

THE COURT NOTING that no Suggestion of Death has been previously filed on the docket; and

THE COURT NOTING that the Motion is governed by Federal Rule of Civil Procedure 25(a), which provides that:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1); and

THE COURT FINDING that Fed. R. Civ. P. 25(a)(1)'s 90-day timeliness requirement for substitution is satisfied because no Suggestion of Death has been filed on the record to trigger the 90-day time limit provided in the Rule; and

THE COURT FINDING that Defendants would not suffer any prejudice from this substitution;

Accordingly, IT IS on this **1st** day of **September, 2021**, hereby, **ORDERED** that the Motion [Dkt. No. 4] is **GRANTED**. The Motion to substitute Robert McMurray as Plaintiff is hereby **GRANTED**, and

Robert McMurray is hereby **SUBSTITUTED** in place of Plaintiff Leda Kay McMurray; and it is further

ORDERED that the Clerk of the Court shall amend the case caption accordingly; and it is further

ORDERED that Plaintiff's Motion [Dkt. No. 4] for leave to amend the Complaint is **GRANTED**. Plaintiff shall file the Amended Complaint, in the form attached to the Motion, within seven (7) days of receipt of this Order and shall serve same in accordance with the Federal Rules of Civil Procedure.

s/ Karen M. Williams
KAREN M. WILLIAMS
United States Magistrate Judge

cc: Hon. Robert B. Kugler